

**CITY OF WEST DES MOINES
BOARD OF ADJUSTMENT COMMUNICATION**

Meeting Date: October 16, 2013

Item: Canine Country Club, 2150 Delavan Drive – approx. 3,700 square foot expansion of canine daycare and boarding kennel – KMS Enterprises, LLC (PC-2013-005/PC-001804-2013)

Requested Action: Approval of a Permitted Conditional Use Permit

Case Advisor: Lynne Twedt, Planner

Applicant's Request: The applicant, KMS Enterprises, LLC, owned by Karissa Schreurs is requesting approval of a permitted conditional use permit to expand her existing canine daycare and boarding kennel operation located at 2150 Delavan Drive. The operation allows dog owners to bring in their pets for supervised indoor play and socialization with other dogs. The dogs are allowed to stay overnight in individual indoor housing with supervision. With the expansion, Canine Country Club will also offer grooming and obedience training.

This use is identified by the Standard Industrial Classification (SIC) system as 0752 - Animal specialty services, boarding services with kennels which is a Permitted Conditional Use in the Light Industrial zoning district which this property is located.

History: The existing Canine Country Club operation was approved by the Board of Adjustment on August 11, 2010 (PC-2010-005). Minutes from the August 11, 2010 Board of Adjustment meeting are included as Attachment 'D'.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on October 3, 2013, as an informational item only. No discussion was had and no disagreement with the proposal was expressed.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment. There are no outstanding issues.

Findings: The Permitted Conditional Use Permit for KMS Enterprises, LLC, to operate a canine daycare including grooming, training and indoor overnight boarding services at 2150 Delavan Drive, was reviewed by various City departments. Based upon that review and the conditions of approval, the following findings have been made on the proposed project:

1. The proposed development and use is consistent with the West Des Moines Comprehensive Plan in that the project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan.
2. The proposed development and use does assure compatibility of property uses within the zone and general area in that this project was reviewed by various City Departments for compliance with the Zoning Ordinance.
3. All applicable standards and conditions have been imposed which protects the public health, safety and welfare in that this project was reviewed by various City Departments and public agencies for compliance with the various state and local regulations. Based upon that review a finding is made that the project has been adequately conditioned to protect the health, welfare, and safety of the community.
4. There is adequate on-site and off-site public infrastructure to support the proposed development in that this project was reviewed by various public agencies and City Departments and public utilities to ensure that

either the petitioner will construct or the project has been conditioned to construct adequate public infrastructure to serve the development.

5. The proposed development and use has met the requirements contained in the City Code in that this project was reviewed by various City Departments and public agencies and the project has complied with or has been conditioned to comply with all City Code requirements.
6. The proposed development and use is in keeping with the scale and nature of the surrounding neighborhood in that the proposed project is consistent with the Zoning regulations and the Comprehensive Plan which designates this site as suitable for development such as that proposed by this project.

Staff Recommendations and Conditions of Approval: Based upon the review, a finding of consistency with the goals and policies of the Comprehensive Plan, and compliance with the findings necessary for approval, staff recommends the Board of Adjustment adopt a resolution for approval of the Permitted Conditional Use Permit to expand the existing Canine Country Club operation allowing canine daycare including grooming, training and indoor overnight boarding services at 2150 Delavan Drive, subject to meeting all City Code requirements and the following:

1. Applicant/property owner will be responsible for the installation of sidewalks adjacent to the cul-de-sac at such time that a sidewalk is installed on either side of this property or the city otherwise determines the installation of sidewalks should occur.

Noticing Information: On September 27, 2013, notice of the October 16, 2013 Board of Adjustment Public Hearing on this project was published in the Des Moines Register Community section. Notice of this public hearing was also mailed to all surrounding property owners within 370 feet of the subject property on September 26, 2013.

Applicant: KMS Enterprises, LLC
Karissa Schreurs, Owner
924 14th Street
West Des Moines, IA 50265
karissa@ccc-wdm.com

Property Owner: Scharnberg Real Estate
4020 Gannett Ave
Des Moines, IA 50321

Comprehensive Plan: Light Industrial
Existing Zoning: Light Industrial
Existing Land Use: Multi-tenant industrial building

Surrounding Land Uses:

North	Existing Land Use: WDM Schools Operation Facility Existing Zoning: Light Industrial Comprehensive Plan Designation: Open Space
East	Existing Land Use: Multiple commercial users Existing Zoning: Community Commercial Comprehensive Plan Designation: Community Commercial
South	Existing Land Use: Wolf Construction Existing Zoning: Light Industrial Comprehensive Plan Designation: Light Industrial
West	Existing Land Use: Goodrich Existing Zoning: Light Industrial Comprehensive Plan Designation: Light Industrial

Attachments:

Attachment A	-	Resolution
Attachment B	-	Location Map (no exterior modifications)
Attachment C	-	Building Layout
Attachment D	-	August 11, 2010 Board of Adjustment meeting minutes

Prepared by: L. Twedt, Development Services, PO Box 65320, West Des Moines, IA 50265-0320, 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, P. O. Box 65320, West Des Moines, IA 50265-0320

RESOLUTION

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING THE PERMITTED CONDITIONAL USE PERMIT (PC-2013-005/PC-001804-2013) FOR THE PURPOSE EXPANDING AN EXISTING CANINE DAYCARE AND BOARDING KENNEL OPERATION

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq. of the West Des Moines Municipal Code, the applicant, KMS Enterprises, LLC, has requested approval of a Permitted Conditional Use permit for an approximately 3,700sf expansion of an existing canine daycare and boarding kennel operation located at 2150 Delavan Drive. Said expansion will also include the provision of grooming and training operations.

Legal Description of Property

LOT 2, DELAVAN PLAT 2, AN OFFICIAL PLAT, CITY OF WEST DES MOINES, POLK COUNTY, IOWA.

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, on October 16, 2013, the Board of Adjustment held a duly-noticed public hearing to consider the application for Permitted Conditional Use Permit (PC-2013-005/PC-001804-2013);

NOW, THEREFORE, THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report, dated October 16, 2013, or as amended orally at the Board of Adjustment hearing of October 16, 2013, are adopted.

SECTION 2. PERMITTED CONDITIONAL USE PERMIT (PC-2013-005/PC-001804-2013) to allow an approximately 3,700sf expansion of use area and allow the provision of grooming and training services is approved, subject to compliance with all the conditions in the staff report, dated October 16, 2013, including conditions added at the Hearing, and attached hereto as Exhibit "A", if any. Violation of any such conditions shall be grounds for revocation of the entitlement, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on October 16, 2013.

Jennifer Drake, Chairperson
Board of Adjustment

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Adjustment for the City of West Des Moines, Iowa, at a regular meeting held on October 16, 2013, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

ATTEST:

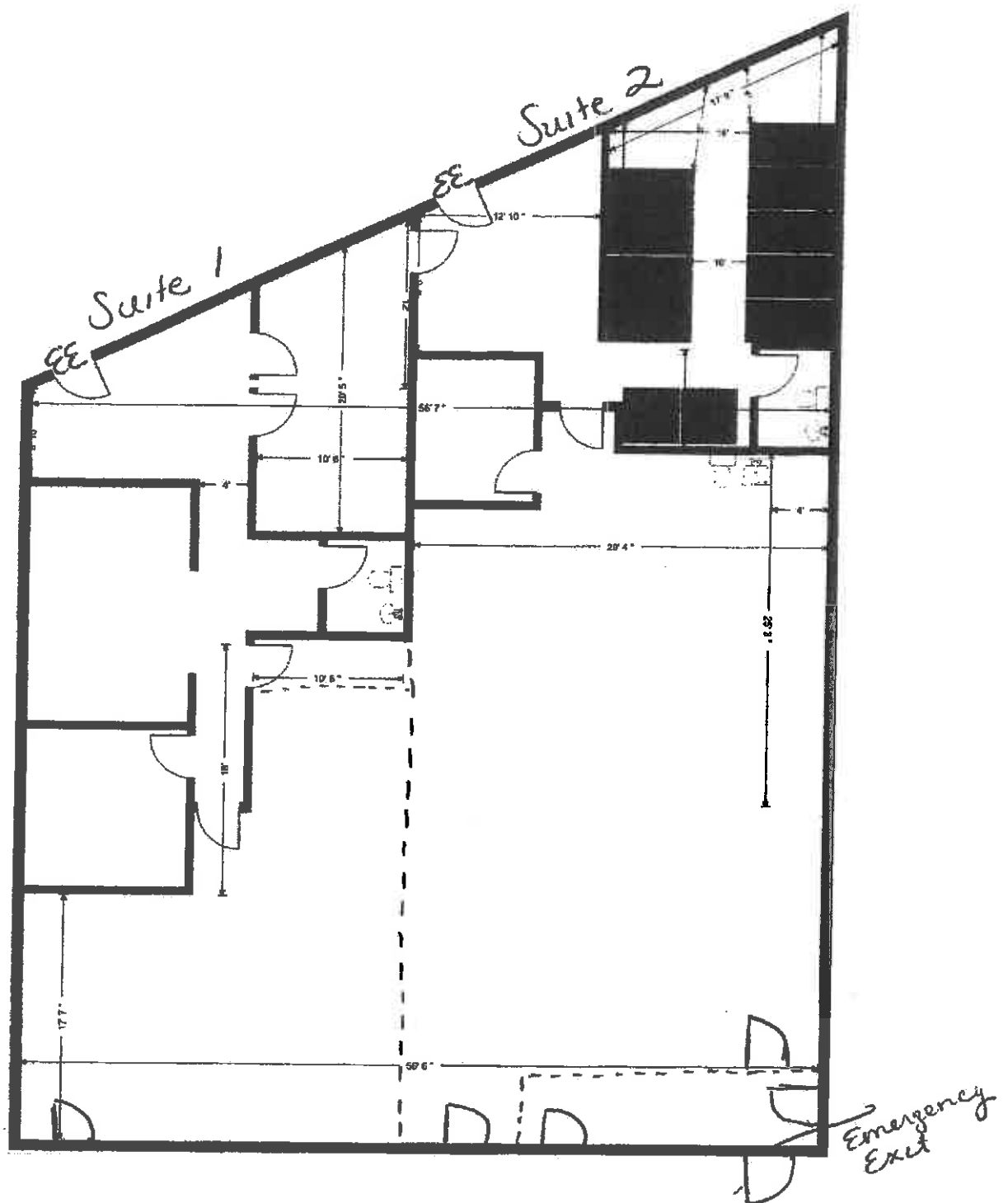
Recording Secretary

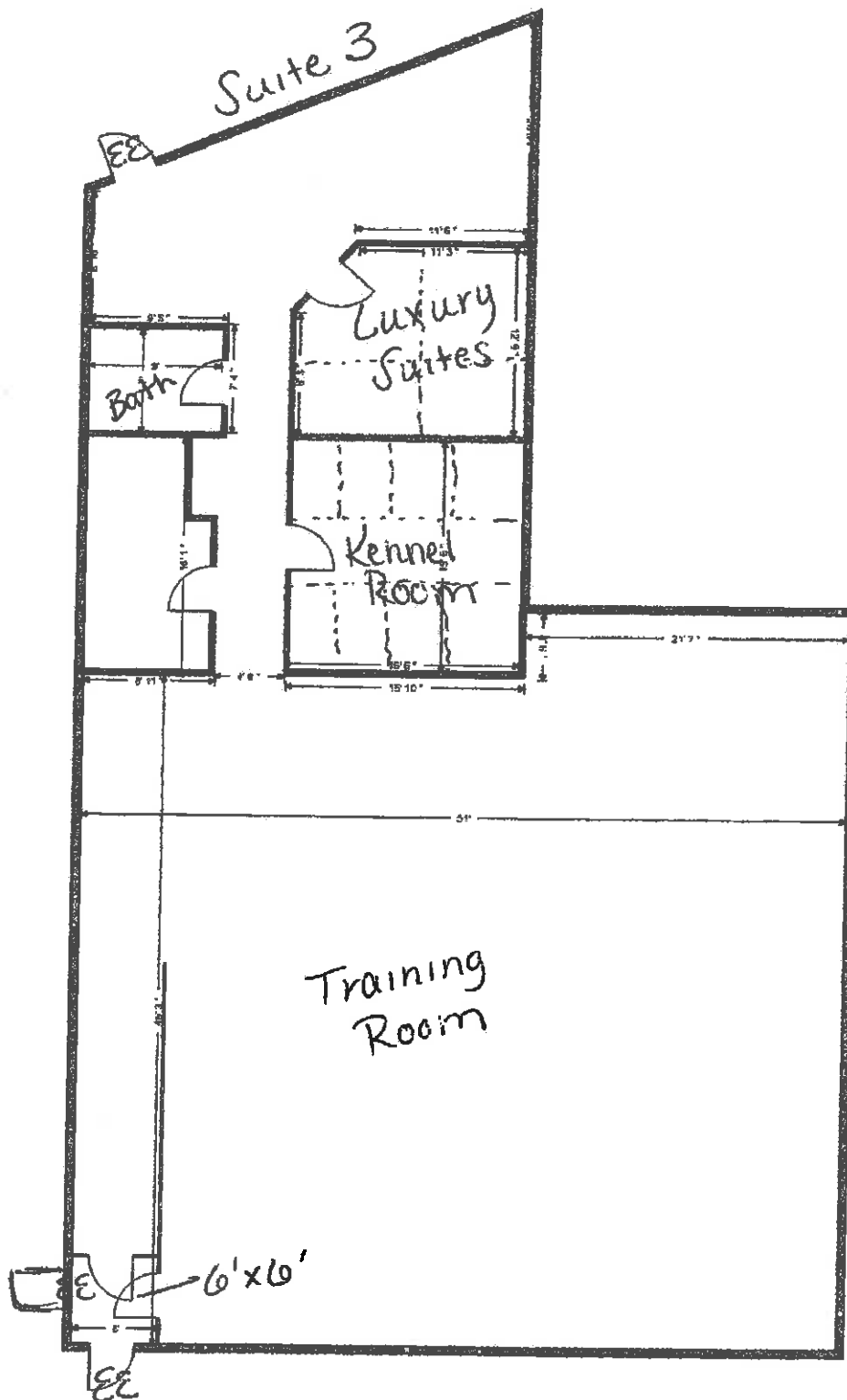
EXHIBIT A
CONDITIONS OF APPROVAL

1. Applicant/property owner will be responsible for the installation of sidewalks adjacent to the cul-de-sac at such time that a sidewalk is installed on either side of this property or the city otherwise determines the installation of sidewalks should occur.

LOCATION MAP







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Chairperson Cline called the regular Board of Adjustment meeting of August 11, 2010, to order at 5:32 p.m. in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, in West Des Moines.

Roll Call: Brooks, Cline, Gutshall.....Present
Christiansen, Drake.....Absent

Item 1a – Approval of the Minutes of June 30, 2010

Chairperson Cline asked for any questions, comments, or a motion for the June 30, 2010, meeting minutes.

Motioned by Board member Gutshall, seconded by Board member Brooks, the minutes of the June 30, 2010, meeting was approved as presented.

Vote: Gutshall, Brooks, Cline.....Present
Christiansen, Drake.....Absent

Motion carried.

Item 2- Old Business

There were no Old Business items.

Item 3 – Public Hearings**Item 3a – Permitted Conditional Use Permit – Canine Country Club – KMS Enterprises, LLC – 2150 Delavan Drive – 3.02 acres – establish a canine daycare and boarding kennel – PC-2010-005**

Chairperson Cline opened the public hearing and asked the Recording Secretary to state when the public hearing notices were published. The Recording Secretary informed the Board that the notice was published on July 23, 2010, in the Community Section of the Des Moines Register.

Chairperson Cline then asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Motioned by Board member Gutshall, seconded by Board member Brooks, the Board of Adjustment accepts and makes a part of the record all testimony and all other documents received at this public hearing.

Vote: Gutshall, Brooks, Cline.....Present
Christiansen, Drake.....Absent

Motion carried.

Christopher Shires, Development Coordinator, noted that in the staff report there is both a letter of support and a letter of opposition for the proposed project. A copy of the detailed business plan was placed on the dais.

Karissa Schreurs, 924 14th Street, highlighted her proposal indicating that it is a dog daycare and hotel facility where owners can leave their dogs for supervised care, play, and socialization with other dogs. A hotel service is offered for those owners who wish to leave their dog for overnight stay and supervision. Playtime will be separated into groups of age, size, temperament, and/or play style. Guests will be assigned indoor housing with

individualized playtime and restroom breaks during non-daycare hours. Dogs will be playing and socializing with other dogs and people in a free range, indoor area and will only be placed in a private indoor enclosure during the night for sleeping. Ms. Schreurs explained in further detail her business plan noting the specifics of each section: fire and emergency evacuation plan, waste elimination plan, outdoor play area, and sound decibel graph. An eight (8) foot cedar fence will enclose the outdoor play area. Barking will be discouraged at all times throughout the entire facility and those who bark will be put into an indoor timeout for inappropriate behavior and be trained accordingly. If the timeouts and training are not successful, the last resort is to dismiss the dog from the daycare. The applicant is requesting a Permitted Conditional Use at this time as a dog daycare and hotel facility in the West Des Moines area does not currently exist and she feels that it would be of benefit to the community. In conclusion, the applicant is in agreement with all of staff's recommendations and conditions.

Mr. Shires noted that Ms. Schreurs is not the owner of the property but would be a tenant of the property.

Board member Brooks inquired if the applicant would be an accredited or certified business. Ms. Scherurs replied that there are several state mandated laws that she will need to abide by and that she will be obtaining a license from the state to be able to operate the daycare and also a commercial license for the boarding facility. She is researching the idea of becoming a member of one of several national organizations for dog daycares.

Board member Brooks clarified how the dogs would be supervised. Ms. Schreurs explained that trained employees would be with the dogs at all times, whether inside or outside, and that they would not be left outside unsupervised.

Board member Brooks raised a question regarding the training video business. Ms. Schreurs responded that they are located in a different building than she will be and are approximately 100 feet away. The canine daycare will not occupy the entire building but that she will soundproof her space so as to avoid noise complaints from the other tenant.

John McKinney, West Bank, 1601 22nd Street, explained that the bank currently owns the building that Ms. Schreurs would be located in and that they are in support of her proposed request. They have worked closely with Ms. Schreurs and feel that the use is a good fit for the building and surrounding neighborhood. At this time they are requesting a waiver of Condition #4 under staff recommendations regarding a cross easement with the adjoining property owner. Goodrich is the property owner and at this time they do not want the easement due to the potential truck traffic on the property. West Bank's interest in the property is to lease it entirely and at some point in the future sell the property to a future owner. Having the easement may hinder the bank's ability to sell the property due to unknown future cost issues.

Larry Reding, manager of Mid-Coast Properties, commented that they are approximately 100 feet from the outdoor play area of the dog daycare. A partnership owns the building and one of the partners is a video production business named REL. The disruptions of barking dogs could be very costly for the video business if they would need to re-shoot a project. Mr. Reding raised a question regarding Condition #3 pertaining to noise complaints.

Mr. Shires commented that the intent of Condition #3 is that if the City receives any complaints, additional modifications would be made to the operation so as to avoid any future complaints.

Board member Gutshall raised a question regarding the materials that were used to construct the building. Mr. Reding explained that the building is made of tilled-up concrete and that the interior of the studio is lined with sound absorbing foam.

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Board member Gutshall commented that there are other noise disturbances louder than a barking dog such as a mechanics shop or a motorcycle shop.

Chairperson Cline asked the type of videos that REL creates. Mr. Reding explained that they are training videos for such companies as National Pork Producers and animal health. The shooting schedule does vary and most of the work is done in the field. Approximately 20% of the shooting is done in the studio. He concluded that he would like to note for the record that if in an event in which dogs are barking cause disruption during production, it would be an economic loss and could result in action being taken.

Bob Beh, 1600 Casady Drive, Des Moines, explained that they own the property and 26th Street and E. P. True Parkway. He has no specific objections to the request but feels that it should be a consideration of the board to develop some type of environmental impact study for this type of facility due to the residential character of the neighborhood to the west of the proposal and the future prospects of the development of approximately four (acres) bordering 26th Street.

Ms. Schreurs responded to the noise concerns referring to Appendix D and compared the decibel levels of a dog barking to noise emitted from dishwashers or televisions. A street coming out of the industrial area located 65 feet from the production company carries heavy truck traffic that generates a higher decibel level than a dog's barking.

Chairperson Cline asked for any questions or comments from the audience and upon hearing none, declared the public hearing item closed.

Jessica Clinton, Planner, commented on the interconnection issue noting that Goodrich is not interested in the connection at this time. As an alternative to installing the connection, staff is requesting that West Bank provide the City with an easement and agreement stating that if Goodrich should decide that they would like the interconnection or if the property is sold and the new owner would like the interconnection, then at that time the interconnection would be installed.

Board member Gutshall raised a question regarding the consistency of an applicant having to provide an interconnection access.

Mr. Shires responded that general language exists for adequate public facilities, adequate interconnects and traffic circulation. Staff is comfortable with recommending the easement for the interconnection between the properties as the City has been very consistent with that type of recommendation.

Chairperson Cline asked for a motion or further discussion by the Board.

Board member Gutshall indicated that waiving the cross access easement requirement at this time would be beneficial to the applicant. Chairperson Cline concurred with Board member Gutshall.

Moved by Board member Brooks, seconded by Board member Gutshall, the Board of Adjustment adopts a resolution for approval of the Permitted Conditional Use Permit to operate a canine daycare and hotel at 2150 Delavan Drive, with removal of Condition #4 regarding the cross access easement, subject to meeting all City Code requirements and the following:

1. The Board of Adjustment waiving three (3) parking stalls;
2. The applicant providing additional easements for public utilities if City staff determines that any of the existing easement widths are not in conformance with current City standards;

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3. The applicant operating the outdoor area with the restrictions listed here within and agreeing to modifications if the City receives any complaints, and;

Vote: Brooks, Gutshall, Cline Yes
Christiansen, Drake Absent

Motion carried.

Item 4 – New Business

There were no New Business items presented.

Item 5 – Staff Reports

Mr. Shires noted that there will be a meeting held on August 25th and asked those present if they would be available for that meeting. All three (3) board members indicated that they would be in attendance for the August 25th meeting.

Item 6 - Adjournment

Chairperson Cline asked for a motion to adjourn the meeting.

Motioned by Board member Brooks, seconded by Board member Gutshall, the Board of Adjustment meeting adjourns.

Vote: Brooks, Gutshall, Cline Present
Christiansen, Drake Absent
Motion carried.

The meeting adjourned at 6:10 p.m.

Tammy Cline, Chairperson
Board of Adjustment

Michelle Riesenbergs, Recording Secretary